

### REMARKS

The abstract was found not to be of proper language and format. Examiner stated that neither the certified copy of the German priority document DE 101 23 956.4 nor the International Patent Application Serial No. PCT/DE02/01718, filed May 14, 2002 were received.

Claims 1 to 20 were rejected under 35 U.S.C. §102(e) as being anticipated by US Publication No. 2002/0084129 (Fritzer et al.).

Reconsideration of the application based on the following is respectfully requested

#### Abstract

The abstract has been amended to be in proper format and language.

#### Priority Document

Examiner stated that neither the certified copy of the German priority document DE 101 23 956.4 nor the International Patent Application Serial No. PCT/DE02/01718, filed May 14, 2002 were received. Enclosed herewith is a copy of the return receipt postcard stamped September 17, 2003, a copy of the Certificate of Mailing, a copy of the UPA transmittal, a copy of the letter re: priority, a copy of the first page of the certified copy of the German priority document and a copy of the international application as submitted with the application. All of these documents are listed on the stamped return receipt postcard. A courtesy copy of the certified copy and the International application as well as the search report are attached hereto.

#### Rejections under 35 U.S.C. §102(e)

Claims 1 to 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Fritzer et al. (US Publication No. 2002/0084129).

Fritzer et al. discloses a torque transfer system of a motor vehicle having a clutch, a transmission, a control device and a traction load detecting device. The traction load is the variable resistance that a vehicle has to overcome to start or to keep moving, e.g. going uphill or

downhill or with a light or heavy load. The control device controls the torque transfer system, in particular the clutch, dependent on input signals received from the traction load detecting device.

To put the vehicle in Fritzer in motion or to accelerate the vehicle, the driver has only to use the gas pedal. If the gas pedal is actuated, the engine control generates an engine torque of a certain magnitude. The control unit controls the transmittable torque in accordance with given functions or characteristic curve fields so set an equilibrium between the engine torque and clutch torque, the equilibrium is characterized by a start-up torque of the engine and a specific amount of traction torque delivered to the drive wheels.

Fritzer's strategy for starting a vehicle is described at [0111].

Claim 1 recites "a method for controlling and/or regulating a torque transmission system in a drivetrain, a clutch torque being changed as a function of a starting resistance of the vehicle in order to implement a strategy for starting the vehicle, the method comprising the step of: modifying the strategy so that a progression of the clutch torque is adjusted to a starting situation."

With Fritzer the starting strategy is selected as in [0111] of Fritzer. The clutch torque is changed as a function of a starting resistance as in the preamble of claim 1, but the strategy is not modified to adjust the progression of the clutch torque.

With the present invention for example, the progression of the clutch torque is adjusted to the starting situation. As described for example in Fig. 1 and [0036] with an exemplary embodiment, a factor influencing the torque is modified so that the actual progression of the torque is adjusted.

Withdrawal of the rejection to claim 1 and its dependent claims is respectfully requested.

With further respect to claim 4, this limitation is not addressed and is not shown by Fritzer, i.e. that for the starting situation of the vehicle over a curb, the clutch torque is built up rapidly.

With further respect to claims 6, 7 and 8 these claims recite running a starting aid routine integrated in the strategy or running a multistage starting aid routine in the strategy, and Fritzer does not discuss running such routines.

Claim 9 further recites “wherein a higher maximum speed is implemented in the second stage of the starting aid routine than in the first stage” and Fritzer does not disclose this, or the limitation of claims 10 or 11 “wherein roll direction recognition of the vehicle is implemented in the starting aid routine” and “wherein the roll direction is recognized in any driving situation of the vehicle with the aid of at least one sensor” respectively.

Claim 12 further recites the method as recited in claim 10 “wherein, for the roll direction recognition, a gradient of a transmission input speed is observed at least during a predetermined time interval, a negative gradient of the transmission input speed indicating that the vehicle is rolling backward, and a positive gradient of the transmission input speed indicating that the vehicle is rolling forward.” Fritzer does not disclose this, or the limitations of claims 13 to 16.

With respect to claim 18, which depends from claim 17 and recites “further comprising determining if the vehicle is against a curb, and if so, building up the clutch torque at a rate faster than the predetermined rate”, Fritzer does not disclose this.

Independent claim 20 recites “A method for controlling and/or regulating a torque transmission system in a drivetrain, a clutch torque being changed as a function of a starting resistance of the vehicle in order to implement a strategy for starting the vehicle, the method comprising the steps of:

determining if a starting resistance of the vehicle is above a certain level, and

if so, modifying the strategy so that a progression of the clutch torque is adjusted by modifying a factor altering the clutch torque, the factor being modified by setting the factor to a first amount during a first time period so as to reduce the clutch torque, and increasing the factor by a predetermined rate after the first time period.”

Fritzer does not disclose these limitations, nor does the Office Action point to any such disclosure.

Withdrawal of the rejection to claims 1 to 20 is respectfully requested.

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CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

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